

II. REMARKS

Claims 1-34 are pending in the present application. Applicant thanks the Examiner for the indication that claims 9-14, 22-27, and 29-34 contain allowable subject matter. Claim 28 is amended to correct a typographical error. No new matter has been entered.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 28-34 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements. Office Action p.2. Specifically, the Examiner takes issue with two periods being in claim 28. *Id.* As detailed above, claim 28 is amended to replace the first period after the phrase “repeating the above step,” with a semicolon. Applicant believes this amendment renders the rejection moot and respectfully requests that it be withdrawn.

Claim Rejections - 35 U.S.C. § 102, Anticipation

The Examiner rejected claims 1-8, 15-21, and 28 under 35 U.S.C. § 102(e) as being anticipated by Mor, et al. (U.S. Patent No. 7,222,333). Office Action pp. 2-5. It is well settled that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. Mor does not anticipate the claims because More does not teach each and every element as set forth in the claims, as discussed below.

Claims 1 and 3-8

Claim 1 recites “automatically selecting an implementation technology based on the desired feature associated with the behavior tag.” The Examiner alleges Mor teaches these limitations. Office Action p.3 (citing to Mor 3:40-61). The Examiner interprets Mor’s automated java documentation system provides for the automatic selecting. *Id.* Even if,

arguendo, such an interpretation were correct, Mor still fails to teach selecting an “implementation technology,” as set forth in the claim because Mor’s build hints do not meet the claim’s “implementation technology.” Mor teaches tags that provide build hints, e.g., the mode of execution, the jar name, the jar version, and the build number (Mor 10:48-62), yet the mode of execution, the jar name, the jar version, and the build number are not, without more, implementation technologies, i.e., Mor’s build hints are not technologies that implement something. Mor is silent to selecting an “implementation technology.” Hence, even if Mor teaches selecting the mode of execution, the jar name, the jar version, and the build number, Mor is silent to and fails to teach “selecting an implementation technology,” as set forth in the claim.

Claims 3-8 depend from and inherit all the limitations of claim 1. As discussed above, claim 1 comprises features and limitations that are not taught by the cited art. Thus, claims 3-8 comprise features and limitations that are not taught by the cited art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claim 2

In addition to the features and limitations inherited from claim 1 that are not taught by the cited art, claim 2 also recites “determining whether the implementation technology contains the desired feature defined by the behavior tag.” The Examiner alleges Mor discloses these limitations. Office Action p.3 (citing to Mor 10:65-67). Mor fails to teach these limitations because Mor is silent to “determining whether the implementation technology contains the desired feature.” Mor teaches a locating “classes that have a @prototype tag with a value ‘Test.’” Mor 10:66-67. Even if, *arguendo*, Mor’s “value ‘Test’” and @prototype tag met the claim’s “desired feature” and “behavior tag,” respectively, Mor is still silent to determining whether any form of implementation technology contains Mor’s “value ‘Test.’” Put another

way, even if Mor teaches determining whether a @prototype tag contains the value 'Test,' Mor fails to teach determining whether the value 'Test' is supported by any form of implementation technology. Hence, Mor fails to teach "determining whether the implementation technology contains the desired feature," as set forth in the claim.

Claims 15-21

Claim 15 recites "automatically selecting an implementation technology based on the desired feature associated with the behavior tag." The Examiner alleges Mor teaches these limitations. Office Action p.5 (relying on the reasoning used to reject claim 1, which cites to Mor 3:40-61). The Examiner interprets Mor's automated java documentation system provides for the automatic selecting. *Id.* Even if, *arguendo*, such an interpretation were correct, Mor still fails to teach selecting an "implementation technology," as set forth in the claim because Mor's build hints do not meet the claim's "implementation technology." Mor teaches tags that provide build hints, e.g., the mode of execution, the jar name, the jar version, and the build number (Mor 10:48-62), yet the mode of execution, the jar name, the jar version, and the build number are not, without more, implementation technologies, i.e., Mor's build hints are not technologies that implement something. Mor is silent to selecting an "implementation technology." Hence, even if Mor teaches selecting the mode of execution, the jar name, the jar version, and the build number, Mor is silent to and fails to teach "selecting an implementation technology," as set forth in the claim.

Claim 15 also recites "determining whether the implementation technology contains the desired feature defined by the behavior tag." The Examiner alleges Mor discloses these limitations. Office Action p.5 (relying on the reasoning used to reject claim 2, which cites to Mor 10:65-67). Mor fails to teach these limitations because Mor is silent to "determining

whether the implementation technology contains the desired feature.” Mor teaches a locating “classes that have a @prototype tag with a value ‘Test.’” Mor 10:66-67. Even if, *arguendo*, Mor’s “value ‘Test’” and @prototype tag met the claim’s “desired feature” and “behavior tag,” respectively, Mor is still silent to determining whether any form of implementation technology contains Mor’s “value ‘Test.’” Put another way, even if Mor teaches determining whether a @prototype tag contains the value ‘Test,’ Mor fails to teach determining whether the value ‘Test’ is supported by any form of implementation technology. Hence, Mor fails to teach “determining whether the implementation technology contains the desired feature,” as set forth in the claim.

Claims 16-21 depend from and inherit all the limitations of claim 1. As discussed above, claim 1 comprises features and limitations that are not taught by the cited art. Thus, claims 16-21 comprise features and limitations that are not taught by the cited art. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claim 28

Claim 28 recites “automatically selecting an implementation technology based on the desired feature associated with the behavior tag.” The Examiner alleges Mor teaches these limitations. Office Action p.5 (relying on the reasoning used to reject claim 1, which cites to Mor 3:40-61). The Examiner interprets Mor’s automated java documentation system provides for the automatic selecting. *Id.* Even if, *arguendo*, such an interpretation were correct, Mor still fails to teach selecting an “implementation technology,” as set forth in the claim because Mor’s build hints do not meet the claim’s “implementation technology.” Mor teaches tags that provide build hints, e.g., the mode of execution, the jar name, the jar version, and the build number (Mor 10:48-62), yet the mode of execution, the jar name, the jar version, and the build number are not, without more, implementation technologies, i.e., Mor’s build hints are not technologies that

implement something. Mor is silent to selecting an “implementation technology.” Hence, even if Mor teaches selecting the mode of execution, the jar name, the jar version, and the build number, Mor is silent to and fails to teach “selecting an implementation technology,” as set forth in the claim.

Claim 28 also recites “determining whether the implementation technology contains the desired feature defined by the behavior tag.” The Examiner alleges Mor discloses these limitations. Office Action p.5 (relying on the reasoning used to reject claim 2, which cites to Mor 10:65-67). Mor fails to teach these limitations because Mor is silent to “determining whether the implementation technology contains the desired feature.” Mor teaches a locating “classes that have a @prototype tag with a value ‘Test.’” Mor 10:66-67. Even if, *arguendo*, Mor’s “value ‘Test’” and @prototype tag met the claim’s “desired feature” and “behavior tag,” respectively, Mor is still silent to determining whether any form of implementation technology contains Mor’s “value ‘Test.’” Put another way, even if Mor teaches determining whether a @prototype tag contains the value ‘Test,’ Mor fails to teach determining whether the value ‘Test’ is supported by any form of implementation technology. Hence, Mor fails to teach “determining whether the implementation technology contains the desired feature,” as set forth in the claim.

Allowable Subject Matter

The Examiner stated that claims 9-14 and 22-27 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed above, the rejection of the base and intervening claims is improper. The Examiner state that claims 29-34 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the base claim and any intervening claims. As discussed above,

Applicant believes the 35 U.S.C. § 112, second paragraph to be moot, but also believes that the rejection of the base and intervening claims is improper.

Conclusion

Applicant submits that the claims are now in condition for allowance.

Respectfully submitted,



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